IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 4697 of 2004

Between:

Mallavarapu Uma Sai Muralikrishna S/o late M.D.M.V. Prasada Rao, Devapudi, Mudinepalli (M) Krishna District.

..... PETITIONER

AND

1 The Commissioner of Land Revenue, Hyderabad.
2 The District Collector, Krishna District, at Chilakalapudi, Machilipatnam
3 The Revenue Divisional Officer, Gudivada, Krishna District.
4 The Mandal Revenue Officer, Mudinepalli, Mudinepalli Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of mandamus or any other appropriate Writ or direction declaring the orders A.P. Administrative Tribunal passed in O.A. No. 6405/1998 dated 2-1-2002 as illegal arbitrary and consequently direct the respondents to consider the case of the petitioner for appointment on compassionate grounds as Village Assistant Officer (VAO) or to appoint any other similar post.

Counsel for the Petitioner: MRS.PULIPATI RADHIKA

Counsel for the Respondents: GP FOR SERVICES-II.

The Court made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6405 of 1998, dated 2.1.2002.

2. The matter relates to compassionate appointment. The brother of the petitioner was working as Village Administrative Officer at Devapudi, Mudinepalli Mandal, Krishna District. While so, he died while working as Village Administrative Officer on 1.1.1996. Thereafter the petitioner made an application for compassionate appointment and the authorities refused the same. Aggrieved by the said order, he filed the above O.A. The Tribunal holding that under Rule 12 of A.P. Village Administrative Officers' Service Rules, only spouse and children of the deceased-Village Administrative Officer are entitled for compassionate appointment and the brother of the deceased is not entitled to be considered, dismissed the said O.A. Against the order of the Tribunal, the present Writ Petition has been filed.

3. The learned counsel for the petitioner, however, tried to convince this Court that as Village Administrative Officers' Service Rules are no more in force, the orders issued by the Government from time to time are to be implemented and in the instant case the applicant is the brother of the deceased and who was a dependant, the Tribunal ought to have considered this aspect.

4. We have also heard the learned Government Pleader for Services-II.

5. We are afraid we cannot accept the contention raised by the learned counsel for the petitioner. Except the spouse and children of the deceased, the Rule do not contemplate consideration of the brother of the deceased for compassionate appointment. Admittedly in this case the petitioner is the brother

of the deceased and when the deceased-employee died, the Rules were in force. Under those circumstances, we do not any find error in the order passed by the Tribunal.

6. In the result, the Writ Petition is dismissed. No costs.

(G.BIKSHAPATHY, J.)

20th January, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Land Revenue, Hyderabad.

2 The District Collector, Krishna District, at Chilakalapudi, Machilipatnam
3 The Revenue Divisional Officer, Gudivada, Krishna District.
4 The Mandal Revenue Officer, Mudinepalli, Mudinepalli Mandal, Krishna District.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

7 2 CD copies.